



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH
DATED THIS THE 21ST DAY OF AUGUST, 2025
PRESENT**

**THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL**

**WRIT APPEAL NO.100171 OF 2025 (LA-UDA)
C/W. WRIT APPEAL NO. 100172 OF 2025 (LA-RES)**

IN WA NO.100171/2025

BETWEEN:

1. SMT. SHANTABAI W/O. CHANDRAGOUDA @
CHANDRASHEKHAR DESAI,
AGE: 80 YEARS, OCC: NIL,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.
2. SMT. NEELAVVA W/O. YALLAPA CHIKKANNAVAR,
AGE: 62 YEARS, OCC: HOUSEWIFE,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.
3. BASAVARAJ S/O. CHANDRAGOUDA @
CHANDRASHEKHAR DESAI,
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.
4. SOMANGOUDA S/O. CHANDRAGOUDA @
CHANDRASHEKHAR DESAI,
AGE: 56 YEARS, OCC: AGRICULTURE,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.
5. SIDDANAGOUDA S/O. CHANDRAGOUDA @
CHANDRASHEKHAR DESAI,



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AGE: 53 YEARS, OCC: AGRICULTURE,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.

6. ISHWAR S/O. GANGAPPA DESAI,
AGE: 80 YEARS, OCC: AGRICULTURE,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.

...APPELLANTS

(BY SRI. SHRIHARSH A. NEELOPANT, ADVOCATE)

AND

1. THE SPECIAL LAND ACQUISITION OFFICER,
NATIONAL HIGHWAY AUTHORITY OF INDIA,
(DHARWAD BELAGAVI SECTION),
RAJATAGIRI, GANDHINAGAR,
DHARWAD-580004, TQ/DIST. DHARWAD.
2. THE DEPUTY COMMISSIONER,
DHARWAD DISTRICT, DHARWAD-580001,
TQ/DIST. DHARWAD.
3. THE ASSISTANT COMMISSIONER,
DHARWAD SUB-DIVISION,
DHARWAD-580001, TQ/DIST. DHARWAD.
4. THE TAHASILDAR, DHARWAD TALUKA,
DHARWAD-580001, TQ/DIST. DHARWAD.

...RESPONDENTS

(BY SRI. B. P. MATHAPATI, ADV. FOR R1;
SRI. V. S. KALASURMATH, AGA FOR R2 TO R4)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 11.02.2025 PASSED IN WRIT PETITION NO.104662/2024 (LA-UDA) PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND ALLOW THE WRIT PETITION NO.104662/2024 (LA-UDA) IN ITS ENTIRETY AND ETC.



IN WA NO.100172/2025

BETWEEN:

1. SMT. SHANTABAI W/O. CHANDRAGOUDA @
CHANDRASHEKHAR DESAI,
AGE: 80 YEARS, OCC: NIL,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.
2. SMT. NEELAVVA W/O. YALLAPA CHIKKANNAVAR
AGE: 62 YEARS, OCC: HOUSEWIFE,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.
3. BASAVARAJ S/O. CHANDRAGOUDA @
CHANDRASHEKHAR DESAI,
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.
4. SOMANGOUDA S/O. CHANDRAGOUDA @
CHANDRASHEKHAR DESAI,
AGE: 56 YEARS, OCC: AGRICULTURE,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.
5. SIDDANAGOUDA S/O. CHANDRAGOUDA @
CHANDRASHEKHAR DESAI,
AGE: 53 YEARS, OCC: AGRICULTURE,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.
6. ISHWAR S/O. GANGAPPA DESAI,
AGE: 80 YEARS, OCC: AGRICULTURE,
R/O. MUMMIGATTI-580008,
TQ/DIST. DHARWAD.

...APPELLANTS

(BY SRI. SHRIHARSH A.NEELOPANT, ADVOCATE)



AND

1. THE UNION OF INDIA,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
TRANSPORT BHAWAN-1,
PARLIAMENT STREET,
NEW DELHI-110001,
REPRESENTED BY ITS SECRETARY.
2. THE SPECIAL LAND ACQUISITION OFFICER,
NH-4, NATIONAL HIGHWAY AUTHORITY OF INDIA,
(DHARWAD BELAGAVI SECTION), RAJATAGIRI,
GANDHINAGAR, DHARWAD-580004,
TQ/DIST. DHARWAD.
3. THE DEPUTY COMMISSIONER,
DHARWAD DISTRICT, DHARWAD-580001,
TQ/DIST. DHARWAD.
4. THE ASSISTANT COMMISSIONER,
DHARWAD SUB-DIVISION,
DHARWAD-580001, TQ/DIST. DHARWAD.
5. THE TAHASILDAR,
DHARWAD TALUKA,
DHARWAD-580001,
TQ/DIST. DHARWAD.

...RESPONDENTS

(BY SRI. B. P. MATHAPATI, ADV. FOR R1 AND R2;
SRI. V. S. KALASURMATH, AGA FOR R3 TO R5)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 11.02.2025 PASSED IN WRIT PETITION NO.106834/2024 (LA-RES) PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND ALLOW THE WRIT PETITION NO.106834/2024 (LA-RES) IN ITS ENTIRETY AND ETC.



THESE APPEALS HAVING BEEN HEARD AND RESERVED ON 18.08.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

CAV JUDGMENT

(PER: THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL)

W.A.No.100171/2025 filed by the appellant challenging the order dated 11.02.2025 passed in W.P.No.104662/2024 (LA-UDA) and W.A.No.100172/2025 filed by the appellant challenging the order dated 11.02.2025 passed in W.P.No.106834/2024 (LA-RES).

2. Brief facts leading to filing of these appeals are that the appellant claimed to be the owner of land bearing R.Sy.No.171/1 measuring 13 acre 20 guntas situated at Mummigatti village, Dharwad. The portion of the land of the appellant came to be acquired for the benefit of Karnataka Industrial Area Development Board ('KIADB', for short) and then by the National Highway Authority of India ('NHAI', for short). The NHAI issued notice dated 29.07.2024 directing the appellant to demolish the construction put up by him on the



acquired land. The appellant challenged notice dated 29.07.2024 in W.P.No.104662/2024 and also challenged the acquisition notification dated 28.05.2012, award passed by the NHAI in W.P.No.106834/2024. Learned Single Judge dismissed both the petitions. Being aggrieved, these appeals are filed.

3. Sri Shriharsh A.Neelopant, learned counsel for the appellant submits that the appellant is in lawful possession and enjoyment of the 1 acre 14 guntas and without any lawful authority notice for demolition came to be issued by the authority. It is submitted that the revenue records never changed pursuant to the alleged acquisition. It is further submitted that there is no payment vouchers produced by the respondents for the 26 guntas of the remaining land which is in possession of the appellant and no compensation paid which has not been properly appreciated by the learned Single Judge and proceeded to dismiss the writ petitions. It is also submitted that the respondent – NHAI has never taken possession of 26 guntas of the land from the appellant and the appellant has already constructed the building over the said property by spending substantial amount. Hence, he seeks to quash the acquisition to the aforesaid extent and also to quash the



impugned notice of demolition dated 29.07.2024 by allowing the appeals.

4. Per contra, Sri B.P.Mathapati, learned counsel appearing for the respondent – NHA I supports the impugned orders of the learned Single Judge and submits that the entire land of the appellant is acquired, he has received compensation, possession is taken and construction put up by the appellant is in the property of the NHA I. The alleged possession of the appellant is illegal and by encroachment which has rightly been appreciated by learned Single Judge and dismissed the writ petitions which does not call for any interference. He seeks to dismiss the appeals.

5. We have heard the arguments of learned counsel for the appellant and learned counsel for the respondents and meticulously perused the material on record. We have given our anxious consideration to the submissions advanced.

6. The material on record indicate that the appellant was the owner of land bearing R.Sy.No.171 measuring 14 acre 8 guntas situated at Mummigatti village as per the Akarband. The said extent of land has been acquired by the different



authorities for different purposes. The particulars are extracted herein below:

Sl. No.	Year of Acquisition	Purpose of Acquisition	Extent Acquired Acre-Gunta
1.	1979	KIADB	9 - 34
2.	1978	The CALA, NHAI, MINI, Vidhan Soudha, Dharwad	2 - 5
3.	2001	SLAO, NH-4, NHAI, Dharwad	0 - 33
4.	2014	SLAO, NH-4, NHAI, Dharwad	1 - 16
Total Acquired Area			14 - 08

7. The aforesaid tabular form indicates that the entire extent of the appellant's land was acquired for public purpose from 1977 to 2014. The records produced by the NHAI clearly indicate that the lands referred in the tabular form referred supra, the award came to be passed, possession is taken and compensation is paid. To substantiate the same, the NHAI has produced copy of the award, JMC report as Annexure-R2 to R5. Considering the aforesaid fact, the learned Single Judge clearly recorded the finding that the challenge to the acquisition is a decade after the acquisition and after receiving the compensation. The claim of the appellant that he is in



possession of the portion of the land also has been negated by the learned Single Judge on the ground that the appellant has received the compensation amount and being fully aware that the acquisition proceedings are completed, the appellant put up the construction in portion of the land. In other words, the alleged possession of the appellant is illegal and without any authority of law. Taking note of the same, the authorities have rightly issued the notice asking the appellant to demolish the illegal structure in the acquired land. The finding recorded by the learned Single Judge is strictly in consonance with the material on record. The finding on record is neither illegal nor perverse calling for interference. The NHAI has produced the payment vouchers and possession certificate which further demonstrate that the NHAI has taken possession of the land in question and also paid compensation for the same and the appellant has put up the alleged construction in portion of the acquired land. For the illegalities committed by the appellant in putting up construction in portion of the acquired land and non-taking of steps either by the revenue authorities to effect the revenue record in the name of the beneficiary of the acquisition would not confer any right on the appellant. The initiation of



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these proceedings by the appellant is an abuse of process of law and required to be rejected.

8. For the aforementioned reasons, we proceed to pass the following:

ORDER

Both writ appeals are devoid of merits and accordingly dismissed.

**Sd/-
(S.SUNIL DUTT YADAV)
JUDGE**

**Sd/-
(VIJAYKUMAR A.PATIL)
JUDGE**

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